

**Testimony of Jennifer Thompson to the
Maryland Commission on Capital Punishment
September 5, 2008**

My name is Jennifer Thompson and I am from Winston Salem, North Carolina. I'm here because I believe my experience is uniquely relevant to this Commission and any member who is certain that Maryland can't execute an innocent person. I would gladly travel to dispel that myth.

In 1984, I was raped at knifepoint. I did not know whether I would live or die that night. I have always been a determined person and so I decided that if God should be so kind as let me live, I would do everything in my power to memorize my attackers' face. Throughout the course of the rape, I struggled to look into the face of the person who was destroying my life. I needed to know what his hair looked like, was his skin dark or light. Did he have any scars, tattoos, piercings, things he could not alter later? His voice, his age, weight and height all mattered. Information the police would need.

I survived that night, as did his second victim who he raped one hour later less than a mile from my house. My hate for him was secondary to my need to find him and get him off the streets. Ronald Cotton became the primary suspect and in January of 1985, the state of North Carolina convicted him of first degree rape, first degree sexual offense and first degree breaking and entering. He received life and fifty years. It was an amazing moment for me. It was the criminal justice system at it's best. The good guy gets justice and the bad guy gets punished. This is the way it is supposed to work. Ronald Cotton would never touch his mother again. Never find love and get married. He would not know the joy of parenthood or the taste of freedom again. I hated him with a blind hate. I prayed daily to my God to please have Ronald Cotton killed in prison but before he dies, let him know the incredible fear of being raped. To have your soul and spirit taken from you and crushed before your eyes. This all but consumed me.

As the years went by, my life took on a steadiness. I graduated college, fell in love, got married and gave birth to triplets in the spring of 1990. Life was good and I was busy. By the spring of 1995, I was informed that Ronald Cotton was requesting a DNA test to be performed. My blood sample from 1984 had disintegrated. Would I give a new blood sample? I did not hesitate as I knew what the test would show. It would show what I knew all along. Ronald Cotton was the monster who had raped me. I went that day to the lab to have blood drawn.

By June the results were in. And standing in my kitchen, the news was delivered. We had been wrong. Ronald Cotton was innocent. A man named Bobby Poole was the rapist, a serial rapist.

The shame was oppressive. The guilt was heavy. I was afraid of revenge, retaliation, vengeance. A full two years later and after intense suffering, I met with Ronald Cotton to ask for forgiveness. Without hesitation he gracefully forgave me. With mercy, he held my hand and told me not to be afraid of him. He gave me healing that night. He is now my friend. Without him, I would still be broken and fractured. He taught me I should not allow that one horrible act to control my life. Bobby Poole does not deserve that kind of power and control.

Three years later, in the year 2000, I was invited to speak at a press conference on behalf of a man named Gary Graham who was to be executed by the state of Texas. Graham's lawyers said he was innocent.

My immediate response to the request was, "no, of course I can not come. I am an ardent supporter of the death penalty. After all, this is America. We do not execute our fellow citizens unless we know, not beyond a shadow of a doubt, but without any doubt that they are guilty. I believe that if you take a life then you should be prepared to give up your own."

I was assured that I was entitled to my opinion and all that was needed from me was to tell my story. The following day, I boarded a plane to Houston and began to read about the Graham case. I was immediately alarmed at the description of the eyewitness evidence. There were some serious red flags in this case. Fear shot through me like a bolt of lightning. This could be an innocent man. I was challenged for the first time in my life about my belief in the death penalty. I began to wonder - how many other cases might involve human error, as mine did? Certainly it seemed wrong to execute this man if the account I was reading was accurate – and I believe it was.

In Texas I met twelve others there on Gary Graham's behalf, men and women, black and white. They had been wrongfully convicted. One man was Kirk Bloodsworth, here today. I urge you to read his book or at least a summary of his case, which is a stunning example of how the system can get it wrong.

Some say that death row exonerations are rare enough that we should not end the death penalty because of innocence. Some say that, with the proper procedures for eyewitness lineups and other precautions against wrongful conviction, you can reduce the risk to an acceptable level. But, I ask you – what is acceptable? I cannot look at Kirk Bloodsworth and support the death penalty – I just can't. His life is too valuable.

I know that Maryland is a leader in many ways with regard to the death penalty. The fact that you are here today examining an issue that many states won't examine because of politics or indifference speaks to this State's desire for justice. I know you have an excellent and well-funded public defender's office. I know that your courts carefully review death cases. I know you have suspended

executions several times to examine flaws in the system. I wish every state was like Maryland.

But, I am here to tell you what I know is true - *you can reduce but you cannot eliminate the risk of error in the death penalty system*. No set of procedures can completely guard against human error. Believe me, I was certain that Ronald Cotton was the man who raped me – **certain**.

I have thought about this issue more than most. I could have been murdered that night that I was raped. Here is what I have concluded. I believe – as I have always believed - we should reserve no sympathy for killers. None. They choose to kill and should be held responsible for their choice. But, this is not 1960 or even 1990. This is 2008.

In 2008, we know that innocent people are sometimes sentenced to death.

In 2008, we know of several cases of people who had serious doubts about their guilt in their cases and were executed anyway.

In 2008, we know that even when everyone acts with the very best intentions – when the police conduct a fair investigation and prosecutors act with a genuine quest for justice and eyewitnesses do the best they can to remember what they saw – we know that mistakes happen.

And in 2008, we know that not everyone acts with the very best of intentions, even though most of us do. There have already been several state scandals involving crime labs, and while I am not an expert in Maryland, I am aware that have been problems right here with your crime labs, too.

I ask you – how can you know that no one in a Maryland lab will ever again act with sinister intentions or do sloppy work? How can you know with absolute certainty that those errors would be discovered? You can't know, of course.

We are not perfect. We are human. We make mistakes and some of us even act with malice. To deny that would be criminal.

This Commission should find that human error is inevitable in all criminal justice systems, and that there is no way to prevent the execution of an innocent person is long as the death penalty continues as a policy.

Submitted by:

Jennifer Thompson
221 Plymouth Avenue
Winston Salem, NC 27104
336-794-2949

